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The Honorable Frederick P. Corbit
Chapter: 7

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

GIGA WATT, INC., a Washington
corporation,

Debtor.

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

PERKINS COIE, LLP, a Washington
limited liability partnership; LOWELL
NESS, individual and California resident;
GIGA WATT PTE., LTD. a Singapore
corporation; and ANDREY KUZENNY, a
citizen of the Russian Federation;

Defendants

and

THE GIGA WATT PROJECT, a
partnership,

Nominal defendant.

No. 18-03197-FPC11

The Honorable Frederick P. Corbit

CHAPTER 7

Adv. Case No. 20-80031

**PERKINS COIE AND LOWELL
NESS' MOTION TO EXTEND
DEADLINE TO ADD PARTIES**

PERKINS COIE AND LOWELL NESS'
MOTION TO EXTEND DEADLINE TO
ADD PARTIES - 1

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1 **I. MOTION**

2 The Defendants Perkins Coie, LLP and Lowell Ness (“Perkins”) hereby move
3 the Court for an order extending the August 1, 2022, deadline for joining additional
4 parties by 90 days. In further support of this motion, the Defendants state the
5 following:
6

7 **II. BASIS**

8
9 This Court has issued a case schedule under which August 1, 2022, is the
10 deadline for joining additional parties. *See* ECF No. 95. In anticipation of this
11 deadline, Perkins has drafted a motion requiring that Jun Dam, as class representative,
12 be added as a necessary party to this action. Mr. Dam, and the class he purports to
13 represent, have filed claims in the United States District Court for the Eastern District
14 of Washington (Case No. 2:20-cv-00464-SAB) seeking to recover from Perkins the
15 same damages, based on the same facts, which underlie the claims of the Trustee
16 Mark D. Waldron (“Trustee”) in this matter. Having duplicate actions, asserting
17 similar claims for the same damages, raises an obvious potential for inconsistent
18 results, double recoveries, and duplicative proceedings for all concerned. Although
19 this Court has ruled that three of the five class claims belong to the Trustee and has
20 enjoined prosecution of the remaining two class claims pending resolution of the
21 Trustee’s claims herein, the Class has appealed those rulings and, in any event, can
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1 pursue duplicative claims against Perkins when the injunction expires. Accordingly,
2 Perkins is concerned that something must be done to adjudicate all pending claims in
3 one proceeding to obtain complete and final relief.
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5 However, as the Court is aware, Perkins, the Trustee, and Mr. Dam have agreed
6 to attend a mediation to see if all of the claims asserted against Perkins can be
7 resolved. To avoid motion practice that may not be necessary, Perkins requests that
8 the deadline for adding parties be extended by 90 days to see whether any progress is
9 made in the mediation to be conducted by Judge Hursh.
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12 **III. RELIEF REQUESTED**

13 Wherefore, for the foregoing reasons, Perkins respectfully requests the Court
14 extend the August 1, 2022, deadline for joining additional parties by 90 days to
15 October 31, 2022.
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1 DATED this 26th day of July, 2022.

3 BYRNES KELLER CROMWELL LLP

MUNDING, P.S.

4 By /s/ Bradley S. Keller

5 Bradley S. Keller, WSBA #10665

6 By /s/ Ralph E. Cromwell, Jr.

7 Ralph E. Cromwell, Jr., WSBA #11784

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*Attorneys for Perkins Coie LLP and
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